



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:
WW-16J

Danny D. McClendon
Regulatory Branch
U.S. Army Corps of Engineers, St. Louis District
1222 Spruce Street
St. Louis, Missouri 63103-2833

Re: File Request for MVS-2012-710, James Dillenberger

Dear Mr. McClendon:

I am writing to respond to a letter issued by your office on December 3, 2012 to Mr. James Dillenberger of Monroe County, Illinois. The letter describes the alleged unauthorized discharge of dredged or fill material in and adjacent to Moredock Lake, a waterbody connected to the Mississippi River. The location of this alleged violation is in Section 27, Township 2 South, Range 11 West, of Monroe County, Illinois.

It is our understanding that the Respondent, James Dillenberger, continued discharging activities without a Clean Water Act Section 404 permit from the Army Corps of Engineers, even after being notified to stop work. EPA believes this case may merit consideration for a further enforcement response and we are requesting the case file pursuant to the January 1989 Memorandum of Agreement Between the Department of the Army and the Environmental Protection Agency Concerning Federal Enforcement for the Section 404 Program of the Clean Water Act (MOA) to investigate the circumstances surrounding the alleged violations.

We ask that you suspend any processing of an after-the-fact permit application according to your enforcement procedures in 33 C.F.R. Part 326(e)(iv). We also request that you conduct an ORM database search and provide us with a summary of the permitting and enforcement history for Mr. Dillenberger and any other potentially liable party, i.e., equipment operators or other contractors. Finally, please provide any information compiled by the Corps regarding any wetland and stream delineations or jurisdictional determinations for the site.

Prior to pursuing any enforcement action, we will closely coordinate and involve your offices and any applicable Federal or State agencies. If you have any questions or wish to discuss this matter further, please contact Mr. Yone Yu of my staff at 312-886-2260.

Sincerely,

A handwritten signature in black ink, appearing to read "Wendy", followed by a stylized flourish.Handwritten initials in black ink, possibly "P.S." or "P.Sw".

Peter Swenson, Chief
Watershed and Wetlands Branch